

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RAMA DIOP,

Plaintiff(s),

v.

COUNTY OF MARIN, et al.,

Defendant(s).

No. C 12-6332 PJH

**ORDER ADOPTING
MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATION; GRANTING
IFP APPLICATION; AND DISMISSING
COMPLAINT WITH LEAVE TO AMEND**

The court has reviewed Magistrate Judge Laporte's Report and Recommendation Re: plaintiff's application to proceed in forma pauperis ("IFP"), as well as plaintiff's objections to the report. The court finds the Report correct, well-reasoned and thorough, and adopts it in every respect. The court further overrules plaintiff's objections to the report and declines to "seal and destroy" the report. The magistrate judge did not act beyond her jurisdiction by filing the report and indeed, followed established procedures in this court requiring her to enter a report and recommendation rather than an order when the plaintiff has not consented to her jurisdiction. Additionally, this court is not disqualified from presiding over this case after having reviewed the report, and to the extent that plaintiff has requested this court's recusal, such request is denied.

Accordingly, plaintiff's IFP application is granted and plaintiff need not prepay the filing fees, which shall remain, however, due and owing. Having reviewed plaintiff's complaint, this court agrees that it is subject to dismissal for the reasons articulated in the report. The court will grant leave to amend the complaint to correct the deficiencies noted in the report. Plaintiff may of course retain legal counsel at any time, however, the

1 complaint was filed pro se and the amended complaint must be filed by April 11, 2013. If
2 plaintiff fails to file the amended complaint by that date or if the complaint does not correct
3 the deficiencies noted in the report, it will be dismissed with prejudice.

4 For plaintiff's information, instructions for contacting this District's Pro Se Litigant
5 Legal Help Center are provided.

6 **IT IS SO ORDERED.**

7 Dated: March 11, 2013



PHYLLIS J. HAMILTON
United States District Judge

LEGAL HELP CENTER

The Legal Help Center is a free service offered by the Volunteer Legal Services Program of the Bar Association of San Francisco to provide information and limited-scope legal assistance to *pro se* litigants who have civil matters before the San Francisco or Oakland divisions of the U.S. District Court for the Northern District of California.

The Legal Help Center is located on the 15th Floor of the Federal Courthouse, Room 2796 in San Francisco. It is staffed by an attorney employed by the Volunteer Legal Services Program ("VLSP") of the San Francisco Bar Association and all services are provided in San Francisco. The Legal Help Center is a project of the Bar Association of San Francisco and functions independently from the U.S. District Court; the staff attorney is not a court employee.

The Help Center's attorney will provide litigants with information about their legal rights and responsibilities, information about the court procedures applicable to their cases, limited-scope legal advice, help preparing simple pleadings, and referrals to legal, social, and government services. If a litigant seeks help from the Legal Help Center, **he/she will still represent him/herself**. The attorney at the Legal Help Center can provide information, advice, and basic legal help but cannot represent litigants as their lawyer.

Any litigant who is representing him/herself in the San Francisco or Oakland divisions of Northern District of California, or who is considering filing a complaint in those divisions, may seek help at the Center. This service is not available to litigants who have legal representation.

Litigants may sign up for a 45-minute appointment up to two weeks in advance in the appointment book located on the table outside the door of the Center. He/she may only sign up for one appointment at a time. Litigants should check the appointment book for availability. Appointments may be scheduled in person at the Legal Help Center on the 15th floor or by phone at (415) 782-9000 x8657. The center's regular office hours are Monday, Tuesday and Wednesday, 9:00 am – 12:30 pm and 1:30 pm – 6:00 pm.